

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

-----X Index No. 08 CV 03037
FREDERICK BURTON, Individually And On Behalf of All Other Similarly
Situating,

Plaintiff(s)
Against
MERRILL LYNCH & CO., INC., ET AL,

Affidavit of Service of
Summons and Complaint

Defendant(s)
-----X
STATE OF NEW YORK, COUNTY OF NEW YORK, SS:

The undersigned, being duly sworn, deposes and says: deponent is not a party herein, is over 18 years of age and resides at BRONX, NY

That on April 09, 2008 at 03:00 PM at the address

CT CORPORATION
111 EIGHT AVENUE
NEW YORK, NY 10011

deponent served the within Summons and Complaint

UPON: **MERRILL LYNCH, PIERCE, FENNER & SMITH, INC.**

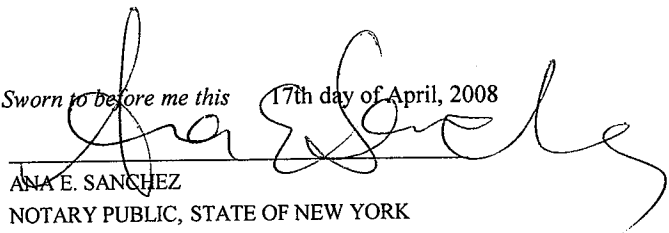
By personally delivering a true copy of the Summons and Complaint to SATI JAIRAM, managing agent thereof.


Deponent describes the person actually served as follows:

SEX: FEMALE
SKIN: Brown
HAIR: Brown
AGE: 36-50
HEIGHT: 5'9"-6'0"
WEIGHT: 131-160
OTHER FEATURES: Glasses

I asked the person spoken to whether said served was in active military service of the United States or of the State of New York in any capacity whatsoever and received a negative response. Said served wore ordinary civilian clothing and no military uniform. The grounds of this belief and the source of my information in this regard are the observations and conversations accounted above. Hence, upon information and belief, I assert that the recipient is not in military service of the United States or of New York State as the term is defined in the state or in the Federal statutes.

Sworn to before me this 17th day of April, 2008


ANA E. SANCHEZ
NOTARY PUBLIC, STATE OF NEW YORK
NO: 01SA5067260
QUALIFIED IN BRONX COUNTY
COMMISSION EXPIRES: October 15, 2010


ANGELO RODRIGUEZ
LICENSE NO.: 1000177

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111 8TH AVENUE
NEW YORK, NY 10011

deponent served the within Summons and Complaint

UPON: **MERRILL LYNCH & CO., INC.***

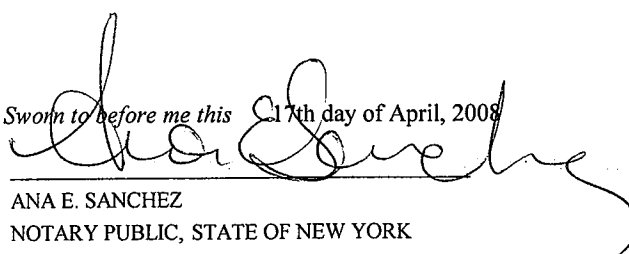
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Sworn to before me this 11th day of April, 2008


ANA E. SANCHEZ
NOTARY PUBLIC, STATE OF NEW YORK
NO: 01SA5067260
QUALIFIED IN BRONX COUNTY
COMMISSION EXPIRES: October 15, 2010


ANGELO RODRIGUEZ
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